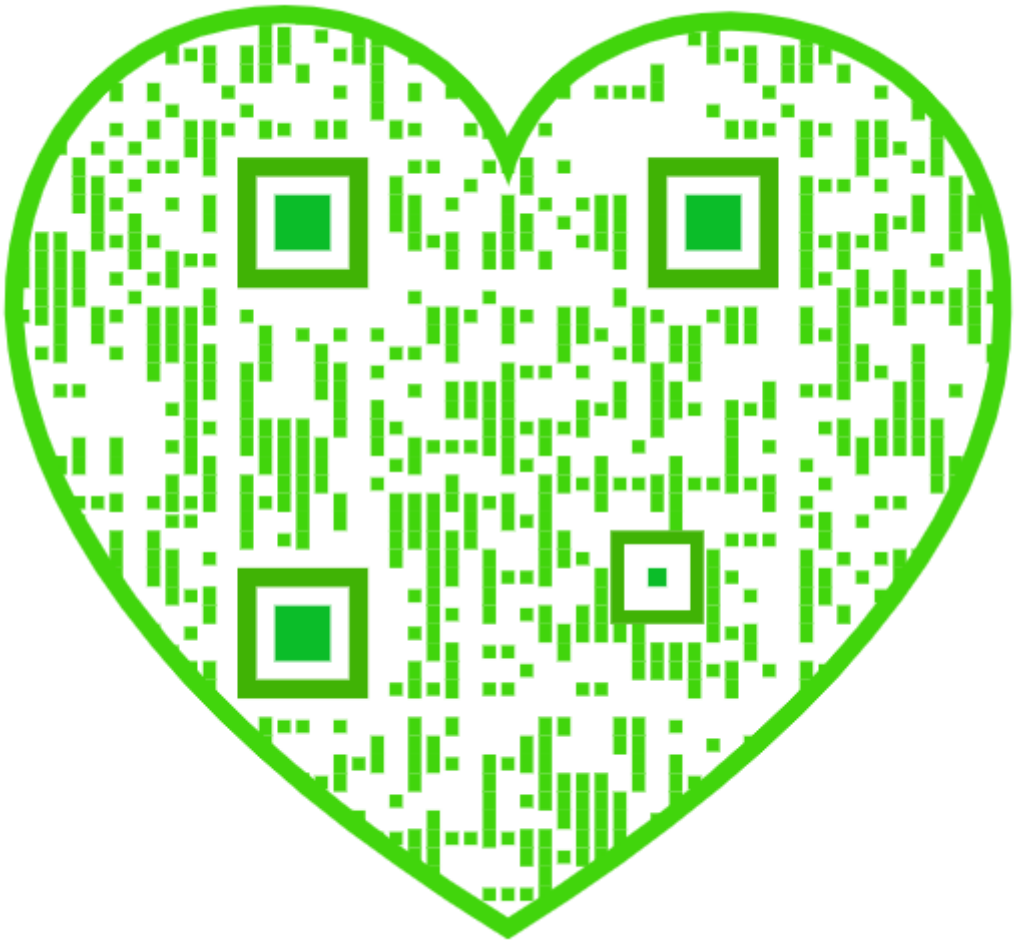

HINTS

ON

TEACHING CIVICS

BY

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SILVER, BURDETT AND COMPANY

NEW YORK BOSTON CHICAGO

1898

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C. J. PETERS & SON, TYPOGRAPHERS.

BERWICK & SMITH, PRINTERS, BOSTON.

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PREFACE.

It is the purpose of the author in preparing these "Hints" to enrich the content of the instruction in civics. The study of civil government is properly a department of ethics, and unless considered ethically, is essentially barren.

The city boy soon enough and easily enough becomes acquainted with the facts of municipal administration, — what offices there are, what salaries they carry, and how they are filled. What he is not likely to learn, unless the school teaches it, is the moral aspect of all civil functions, the right and wrong of them.

In all these matters false standards are so common, moral distinctions have become so confused by custom, that unless the truth is apprehended clearly before selfish interests blur the vision, unless right principles are early instilled, the young man is likely to come into his heritage of citizenship morally handicapped, and society is sure to suffer thereby.

Those universal principles of fairness which underlie all righteous law appeal with peculiar force to boys, are indeed inwrought by them into all their organizations. There is a fascinating monograph in the Johns Hopkins Studies in Political Science, 2d Series, No. XI., entitled "Rudimentary Society among Boys." Teachers of civics

might profitably make similar studies among their own boys, and use the results to illustrate their teaching.

The training which the kind of work suggested by this little book will afford is of the best. Instead of imposing upon the pupils the judgments of others, it stimulates them to form their own conclusions, and so develops a sense of manliness which is the best foundation for good citizenship.

On the historical side, too, there is an attempt to suggest relations by which a sense of historical perspective may be awakened and stimulated. The absence of this is now the most serious defect in the school study of history.

That the reflex action on the teacher himself may be healthful is the hope of

THE AUTHOR.

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HINTS ON TEACHING CIVICS.

CHAPTER I.

GENERAL PLAN AND METHOD.

GOOD citizenship must be at its foundation intelligent citizenship. Patriotism, if it is to be more than a shallow sentiment, must be based on knowledge. If patriotic citizenship is to characterize the American people, there must be more than general intelligence; there must be special intelligence along the line of civic relations and responsibilities.

To provide such intelligence must become a recognized function of the elementary schools. Too few of the people enjoy high-school opportunities to make it safe to leave to these schools all instruction in civics, as is now done in so many States.

Both reason and experience teach that all that is fundamental in principle, as well as all that is essential in practice, may be taught in the graded schools of the towns, and in the rural schools, with interest and profit, if only the right means are used.

The plans and methods which follow have been worked out in practice, and can be used, with proper local adap-

tations, in any part of our country. They can, of course, be used to the best advantage as supplementary to a good text-book.

The New England town-meeting presents the idea of popular government in its simplest concrete form, and has been selected for illustration; but in whatever unit the people come together to act directly upon matters of civil polity, the same principles are at work in a similar way.

PLAN.

Two familiar educational principles will guide us in our plan. First, distinguish between what is elementary and what is scientific; second, work from the well known to the less known. Following the first, we divide the work into three parts: (1) *Facts;* (2) *Principles;* (3) *Causes.*

Following the second, we divide again: (1) The local government, — town, city, school-district; (2) The State government; (3) The National government. The reason for this order is obvious. The national government is as much a reality as any other: it is present everywhere; it surrounds us all. But it is present as the atmosphere is, as Providence is, — beneficent, but invisible. The local government is a tangible reality. Few of the children will ever see a king or a president; but at every election they can see the sovereign on his throne, and can hear him issue his decrees, and they can see the operations of government going on all around. The school itself is an illustration.

The facts of government in each division, town, State, Nation, may be taught under the following topics: —

1. What officers are chosen?
2. By whom are they chosen?
3. When and how are they chosen?
4. For what are they chosen?

In the State and National governments, these four questions will be asked about each of the three departments, — legislative, executive, and judicial.

Following a study of the *facts* in each division may come a discussion of the principles underlying the system, beginning with those elementary and universal ones on which all government rests, and afterward introducing successively the special ones applied in the various departments of the State and Nation.

METHOD.

The work may profitably begin just after the annual meeting, and be conducted as a general exercise. Get from the pupils a description of the meeting, — who were present, what they did, how they did it. Select the facts which you want to use, and make notes of them on the blackboard. These facts may be classified as follows: First, officers were chosen; make list of them on board and slates. Second, money was voted for certain purposes; note what purposes, — roads, schools, etc. Third, the people voted to do certain things, — to build a schoolhouse, lay out a road; note these. Fourth, reports were received from officers chosen last year. This covers the work of the meeting.

Consider next the choice of officers. First, by whom? Allow the pupils to tell what they know of the required qualifications for voting; add what they omit, writing

the whole list carefully on board, and requiring the pupils to copy it and commit it.

Next, have the *mode* of choice described minutely. Obtain from some one interested copies of the ballots used, and show them to the pupils. Notice and explain the use of the check-list.

The work of these officers, at least the most important functions, may now be studied. Many of these are already familiar, and the pupils may be encouraged to learn more from the officers themselves. The teacher should get and keep copies of official papers issued by the different officers, as these illustrate the duties. Among these are the attested copies of the town-meeting warrants, which may be taken after the meeting has dissolved; copies of voting-lists; offers of rewards for detection of criminals; proposals for contracts; blank licenses; notices of assessors and collectors; certificates of measures of wood, etc. The printed report of the town officers will also give important information on this topic. The method of assessing and collecting taxes needs to be worked out with care. An admirable exercise would consist in actually making a nominal valuation of each pupil's school property, and assessing a proportional tax upon it. If some of the pupils did the work, the arithmetical practice would have value.

These hints are enough to indicate what may be done with the facts of the local government.

CHAPTER II.

PRINCIPLES OF LOCAL GOVERNMENT.

In the preceding chapter a mode of teaching the facts of local government was presented. In this we shall consider the principles underlying such government; and, in doing so, we shall find that we have unfolded the principles lying at the foundation of all civil government.

Public Convenience. — Call the attention of the class to some private way with which they are familiar, as the road by which a neighbor gets to his pasture or his mill or his stable or his warehouse. Who made it? Mr. B. Who takes care of it? Mr. B. For what purpose? For his own use. In a similar way consider the road in front of the schoolhouse, and, by questions, develop the idea *public* in distinction from *private.* Call for further illustrations, — the town-house or city hall, the waterworks, the hayscales, the fire-engine, etc. From all these, teach that the town, or city or village, as such, looks after matters of public convenience.

Public Welfare. — The health officers have enforced some sanitary regulation, as vaccination, drainage, etc. Lead the class to see that this act is not to preserve the health of the individual alone, or his family alone, but to preserve the health of the community. Thus excite the

idea of a *public* good in distinction from *individual* good, and also in distinction from public convenience. In this connection discuss the public school, showing the benefits of education, and the obligations which the educated are under to use their advantages for the public good. Having taught these two ideas, — public convenience and public welfare, — direct the attention to some other features of the local government, as the public library, the public burial-ground, the public park, the lighting of streets, the erection of soldiers' monuments, the care of the poor; and secure a classifying of these under the two general ideas.

The Public Will. — Who says that these things shall be done? Who says how much money shall be spent for them? Starting with such questions, take the class back to the town-meeting, and find with them that these measures for the public convenience and the public good are not determined by any one man, but they express the will of the people who are to be benefited by them. Thus reach the idea of a *public will*, active in determining and directing public measures for public ends. How is this will expressed? Is everybody consulted? Do they all agree? The story of the town-meetings answers these questions. Only those who attended the meeting had an opportunity to say what they would have done, — the legal voters. And these did not agree. Mr. A wanted $2,000 spent on the roads; Mr. B wanted $3,000 spent. Discussion arose; sides were taken; some agreed with A, some with B. What was done? The boys know. A vote was taken. Let them tell how, and with what result. Twenty wanted

$3,000 spent, and fifty wanted $2,000. How much was spent? $2,000. Why? Because more wanted that sum than the other. In some such way we may come to the principles that the public will is expressed by *voting*, and is determined by the vote of a *majority*. We may show that the same mode is used when the will is expressed by a selected body, as a city council, or board. Teach that, on the whole, this is the most convenient and the fairest way. We should be careful to emphasize the fact that rule by majorities is based on expediency rather than on abstract justice and right. The minority may be right and the majority wrong; but the submission of the minority is better than confusion and strife. The minority is to be respected, however; superiority of numbers is no excuse for tyranny.

Office-holding. — What is its nature? This question has been warmly discussed on the side of theory, and disastrously answered on the side of practice. But, if we study it in the light of the principles already taught, it seems clear enough. Why are these local officers chosen whose duties we have been studying? Ask the boy why the voters who said that $2,000 should be spent on the roads chose some highway officers. He will tell you, — for the public convenience. The work could not be done by all. One or a few must do it. The officers are chosen to carry out the public will for the public convenience and welfare. They are not to serve themselves, but the public. Offices are not gifts to be distributed equally, nor spoils to be seized by the majority. They are *trusts* to be committed with

discrimination, to be accepted, if need be, at a personal sacrifice, and to be administered faithfully. The value of experience in these offices may be noticed, and the waste involved in frequent changes. Though the persons elected to office are the immediate choice of only a majority (or plurality) of the voters, they are the servants of the whole public, — not of a fraction of it. A voter has no personal claim, on account of his vote, on the officers whom he helped to elect.

Further on, these principles may be shown to apply as well to the higher officers who direct, as to those who only execute. They may be taught to the boys of twelve years more easily than to the average member of Congress.

Duties of Citizens. — For what purpose is the town-meeting held? Beginning with this question, we may teach that the people are called together to discuss measures for the public convenience and welfare, and to say what shall be done. In these decisions all are interested. The more knowledge and good sense brought to bear upon them the better for all; hence, the duty of every voter to be present, and help in the discussion and settlement. There is urgent need of teaching that every voter should vote. How should he vote? After consideration and discussion; that is, intelligently. Not as others do, because they do, but independently; not according to prejudice nor pique nor personal favor nor mere self-interest, but conscientiously. Discuss here the buying and selling of votes. We might show the duty of those members of the community who cannot vote, to use all the means

of influence at their command to promote the public good.

There is another duty not less important. We have found that the money spent on the roads is for the public. Who furnishes the money? The public. How? By the payment of taxes. Lead the class to see that since all the people share in the good done with the money, all should share as they are able in the payment. If one fails to pay his share, the others must pay more; so that a man who in any way evades taxation robs his neighbor as truly as a burglar or a highwayman robs his victim. Dwell upon the meanness as well as the wickedness of such evasion. Show, too, that taxes should not only be paid honestly, but cheerfully; that a person ought to find satisfaction and enjoyment in contributing to the public good. By means of such teaching we may help to develop public-spirited citizens, — a class now none too numerous.

Public Property. — These lessons will prepare the children to see a distinction between public and private property. Though each citizen may use the schoolhouse or the town-house, they are not his. He does not own one-tenth nor one-hundredth of them. They belong to the public, and he should treat them as he would treat the private property of another. Here the teacher may find opportunity to speak of the common habit of defacing public buildings with the names of visitors.

Such seem to be the most obvious principles underlying the various forms of local government in the United States. Treated in a simple, conversational

way, and illustrated freely by familiar matters, they could hardly fail to interest the boys and girls of the grammar schools; and, simple as they are, if wrought into the texture of our political society, would add much to its strength and beauty.

CHAPTER III.

THE STATE GOVERNMENT.

LEGISLATIVE DEPARTMENT.

In the preceding chapters we have studied the facts and principles of the local governments as they exist in the United States. We come next to the facts of the State governments. The same question will guide us as before. What officers? By whom, when, how, and for what purpose chosen? As the pupils are less familiar with these facts, more of the information will need to be directly given. If we begin soon after the annual State election, we shall have the interest awakened by that event as a stimulus in the work.

The people have come together again in public meeting. By questions, we shall find that the only work done has been voting; and we have the list of officers voted for on the ballot, copies of which may be obtained by the teacher for this purpose. We find, too, that the same classes of persons voted as in the choice of local officers. Note the date of the election. We select from the list two for present study, — the members of the State Legislature. The division of the State into districts is noticed, and the choice of two bodies of men, the name of each body, and of the two together. To answer the question, for what these men are chosen,

we read from the published Acts of the Legislature. For example, we find the following: "No portable seats shall be allowed in the aisles or passageways of any public building during any service or entertainment held therein." Who says this? The Legislature. To whom? To all the people of the State. What right have they to say it? The people of the State have chosen them for this purpose. This, therefore, expresses the will of the people of the whole State. Here is a new public, larger and higher than the local public. Teach that the expression of this new will is a law. Compare it in its scope with the votes passed at the town-meeting. Having carefully developed this idea, we may proceed to illustrate it fully from the general laws of the State.

The next series of facts to teach are those concerning the way in which the laws are made. The newspapers published at the State capital will be of great service in this part of the work. The organization of each House is usually described in detail, and in connection with the reading the duties of the various offices may be explained. The appointment and work of committees follow. During the session of the Legislature the papers will contain a daily report of the proceedings; and the teacher may be able to follow with the class any single measure, from its introduction by petition or otherwise, through its committal, its hearings, its report, its readings, its debates, its amendments or re-committals, its passage or rejection, its approval by the governor or its veto, and the subsequent action on it. The interest of the pupils may be kept up by assigning par-

ticular measures to different ones, and requiring each to keep track of and report the progress of his own. The order and meaning of the steps in legislation may thus be taught, and at the same time the pupils be trained to read a newspaper intelligently and for an object. The teacher should be supplied with the following means of illustration: A copy of the General Laws, a copy of the annual Acts, copies of bills in their various stages, a copy of the Manual prepared for the use of the members, a complete file of newspapers containing the reports for the session. The bills and the Manual may be obtained from members of either House. Old ones will answer the purpose.

Principles of State Government. — Before studying the facts concerning the other department of the State government, we need to unfold the principles underlying the legislative department. We teach, first: —

The Necessity of Laws. — In almost every daily newspaper we shall find such items as these: A man is shot and killed in a brawl; another is assaulted; a house is entered, and property stolen. From these or similar facts we may teach that there are in the community persons disposed to injure their neighbors. As long as this is true, people cannot live in peace, because no one knows but he may be the next victim. Thus the act not only injures the individual, but affects the whole community. The injured person or his friends might retaliate; but this would only increase the disturbance, and leave the weak always at the mercy of the strong. So it becomes necessary that the people together shall say that such things shall not be done; that is, to make

laws forbidding them. This prepares us to consider the whole subject of —

Natural Rights. — Why is the killing wrong? Because the man had a right to live. Why was the theft wrong? Because the man had a right to his own property.

Teach that men instinctively exercise these rights, and so they are called natural rights. Searching the newspapers for further illustrations, we shall find such facts as these: A railroad train is wrecked, or a factory burned, and lives lost for want of proper precautions, showing that the people may suffer from the negligence, as well as from the malice, of others. A dealer sells unwholesome meat, and endangers the health of his customers. A man utters a falsehood maliciously concerning another, and injures his reputation. A child is carried away and held by those who have no right to do so, and the right of *personal liberty* is violated. Thus, by directing attention to the violations, we may teach the great comprehensive rights of personal security, personal liberty, and private property, and also the special forms which these rights include. Having done this, we may find abundant illustrations showing the great variety of ways in which each of those rights may be violated. Then we may go to the general laws; and the pupil will be prepared to understand why there are so many, and why they are so minute, and he will also see the reason for the two classes of laws, — those commanding what is right, like one requiring corporations to care for the safety of the public, and those forbidding what is wrong.

Limitations of Natural Rights. — In our teaching of natural rights, it is necessary to guard against an idea which some of the subjects of foreign despotisms bring with them when they immigrate. We must teach that liberty is not license. By illustrations we may show that each of the natural rights is limited by a regard for the rights of others. "Live and let live" is a principle of government as well as a maxim of trade. We may ask the pupils why, if they have the right of personal liberty, they are forbidden to cross some man's land. They would see that if they exercised their right to go and come as they pleased, they would violate that man's right of property. So a man has a right to make gunpowder, but he must not make it where it will endanger the lives or property of others. Thus a great many things that a man might do if he lived alone, he cannot do when he is surrounded by neighbors; and the closer the neighbors the more he is restricted. In the country a man may build his house of any material he pleases, but in the city he must not build of wood.

There is a further limitation to be taught. Each man has a right to his property; but he cannot keep it all, — some of it is taken away in taxes. Why? Because those measures for the general good, of which we have spoken, require money; and the right of the individual must give way before the necessities of the whole community. A new street is laid out, and the land of private owners is taken. Do they consent? Their consent is not asked. If the public good requires the street, the individual preference or convenience must yield; but the owners are paid

for their land. Thus we present the idea of eminent domain.

And not only is the right of property thus limited, but the right of security. By the story of the last war we may lead the pupils to see that when the community is in danger, the citizen's body, health, and life must be at the public service.

In this connection we might teach that when a man violates the rights of others, he forfeits his own. We may find illustrations in the newspapers. Such are the punishments of crime by fine and imprisonment; of murder by loss of life; of rebellion by exile.

After the presentation of this subject of natural rights we are prepared to show —

The Objects of Laws. — The purpose for which the people have expressed their will through the Legislature is, primarily, *to protect.* We should emphasize the fact that every person, without distinction, should have the protection of law; that the laws should be so made as to bear as *equally* as possible upon all, — that there should be no privileged classes.

If we read the general laws we shall find many whose direct object does not seem to be to protect individuals. Such are those concerning the laying out of roads, the building of bridges, the maintenance of schools. While these matters are acted on by the town or city or county, as we have seen, they also concern the larger public; and so it is necessary that its will be expressed for the purpose of regulating these matters of public convenience and welfare. Thus we approach the relation of the local government to the State. If one town neglects

to maintain good roads, not only its own people may suffer, but the people of adjoining towns, or of distant ones, who may have occasion to travel. So the local public is made subordinate to the larger public, the town or city to the State. The State Legislature says what the town or city, as well as what individuals, shall do and not do. We see that laws are made for two purposes, — to protect individuals, and to regulate matters of public welfare.

Duties of Citizens. — We have taught that the laws are the expression of the will of the whole people, and that they are for the good of all. What, then, should each man do about them? Evidently, what he did in the local government, — try to have as good ones as possible. To do this, he must vote as before; but he must do more. Ask the class what is necessary that the laws may protect. They must be *obeyed.* Who must obey them? Every one, "seeing obedience is the bond of rule."

If we stop here we shall fail to impress a much-needed principle. The citizen should not only obey the laws himself, but he should seek to have others obey them. To secure this, he must show that he *respects* the laws because they express the people's will. Question the class as to the influence of speaking slightingly of law, of sympathizing with law-breakers, or of shielding them, or even of silence when laws are violated. Abundant illustrations of all three points can be found, as in connection with temperance legislation, and the treatment of noted criminals in some parts of the country.

Another important principle for which our study of the Legislature prepares us is —

Representation. — In studying the local government, we taught the pupils that all the voters should take part in the conduct of public affairs. This is the essential idea of a democracy. We have also taught that laws are necessary, and that this necessity is general. Now we may lead the class to widen the application of the principle, and to see that all the members of the larger public are under obligation to express their will in the making of these general laws. It will be easy, by making an imaginary case, to show that a direct expression of this will is impossible.

Suppose all the voters of the State, some hundreds of thousands, should meet as in a town-meeting to discuss measures and make laws. The pupils, if called upon to do it, will readily suggest the objection, — the difficulty of attendance due to distance, loss of time, expense of travel, interruption of business; the great number, disorderly, unwieldy, rendering deliberation and wise decision impossible.

What alternative exists? The people of each community can send one or more men to express their will for them. These men will do what the others would do if they could go. They utter the people's voice, — they are Representatives. If the people who send them tell them what to do, they must do it, or decline to go. If they are called to act on measures concerning which their people have not spoken, they must endeavor to learn the people's will, and then to express it.

Some may think that this is not the highest idea of a representative government; but it is the American idea. It is what is meant by a Representative Democracy, —

"a government of the people, by the people, and for the people."

In cities, or wherever the political system does not allow of direct popular vote upon questions of public concern, it will be necessary to introduce the idea and meaning of representation earlier, in connection with the study of the local government. But the principles are the same.

CHAPTER IV.

THE STATE GOVERNMENT.

JUDICIAL DEPARTMENT.

HAVING studied how laws are made, and the principles underlying legislation, we pass most naturally to the administration of justice, and show how the will of the people, as expressed in commands and prohibitions, is made effective in protecting individuals and society. We shall do best to begin with the facts nearest home; that is, with the local courts, whatever they may be, — justices, district, or municipal. We teach how and for what term the judges receive their offices, whether appointed, as in most of the New England States, or elected, as in most of the other States. We shall find illustrations of the work of the justice in the local and city newspapers. Suppose a theft has been committed, and a man suspected of the offence. We observe with the class the steps that are taken, in their order, — the complaint, the warrant, the arrest, the arraignment before the justice, the plea, the evidence, the decision. It would be well to have copies of the papers used in such cases, with fictitious names inserted. They can be obtained of any lawyer; and we might introduce the attorney in the case described, and explain his work. The class will learn from such

a lesson the central facts connected with the application of criminal law. Another function of these courts, the settlement of disputes, may be illustrated by taking a simple action of contract, as to recover wages, or an action of tresspass, — as for damages for crossing land. This will be a good place to teach the names of the parties to an action, and to distinguish between a civil action and a criminal one.

The County. — Before proceeding to the higher courts, it will be necessary to study the county, — what it is, and its officers. The ballots last used will help us again. We shall find on them a list of county officers, varying in number in the different States. In New England the county officers have chiefly to do with the administration of justice; but in most of the States, besides this, they have important functions connected with the support of schools, the care of the poor, and the levying of taxes. Selecting from the list of offices those belonging to the department of justice, — the clerk, the sheriff, the county or district attorney, and the county judge if elected, — we study, as before, the time and mode of election, and then pass to their functions. What we may call the secondary courts are constituted differently in the different States.

The County Court. — Certain new features now present themselves for study. If we select for an illustrative example a criminal case, we shall be led to consider first the grand jury, — how chosen, and its work. The functions of the prosecuting attorney appear here. It would be well to procure a fictitious indictment, to show the progress of the case. Another new feature is the

trial jury ; and we must teach how it is chosen, and illustrate, if possible, by newspaper reports the important work which it has to perform. The papers published at the county seat usually contain quite full accounts of the empanelling of the jurors, and of the progress of the cases. From the same source, too, we may draw illustrations of the work of this court in the trial of civil cases, and can compare the work of the jury in the two kinds of actions. We shall find certain terms of frequent occurrence, as, *bail, recognizance, appeal, judgment;* and seeing the connection in which they are used will help the class to understand the teacher's explanation of them.

The Sheriff. — If we have followed a single case of each kind through its successive stages, the class will have learned most of the duties of the sheriff, — his work in making arrests ; in caring for prisoners ; in attending courts ; in guarding the jury ; in carrying the sentence into execution. In the civil cases they will have seen him serving the preliminary writs, and enforcing the judgment of the lower courts by legal process. While I write, my eye falls upon a notice in a daily paper ; " Sheriff's Sale." " Taken on execution, and to be sold at auction to satisfy a judgment."

Probate Business. — In most of the States there is a special court in each county called the Probate Court, or Orphans' Court. The newspapers abound in notices by means of which all the functions of these courts may be explained. Such are the following : Reports of the session of the court and of the business transacted, wills proven, letters of administration granted, guardians ap-

pointed, petitions for sale of real estate allowed ; notices of administrators and executors publishing their appointments, and calling for the settlement of claims connected with the estate ; advertisement of sales by administrators, executors, and guardians ; notices to parties interested to appear before the court to be heard concerning the appointment of administrators, or to hear the report of such officers previously appointed. The study of these facts will give the teacher opportunity to make some practical suggestion concerning the making of wills ; and it will also furnish striking examples of the care which the whole people exercise for the weak and helpless, the widow and the orphan.

The Supreme Court. — The highest of the State courts is known by different names, and is differently constituted in the different States. Having studied these facts concerning it, we pass to its work. In the application of law to individual cases, its processes are the same as in the lower courts, and will need no especial study. But this court has a special function, — the interpretation of law. We may teach this most successfully by selecting an illustrative case from the volumes of court reports published in each State. They can be found in any lawyer's office, and the lawyer might help the teacher in the selection.

For example, the laws say that the town shall keep the roads free from obstructions, so that they shall be safe for travel. In a certain town a road had been laid out three rods wide, but only a part of this width was actually in use as a travelled roadway. Persons owning adjoining land had piled lumber on the side of the road,

but not in the roadway. A horse had been frightened by it, and a man injured. The man claimed damages of the town. The Supreme Court was called upon to decide on the meaning of the law. The decision was, that the road as laid out, and not merely the travelled roadway, must be unobstructed. Other illustrative cases may be found. From these we may teach the use of precedent in the administration of justice, and show that the courts are in an important sense engaged in making laws, and we may teach the distinction between statutes and this court-made law.

Having thus discussed the facts concerning the judicial department of the State government, — the various courts, their officers and functions, and the steps in the administration of justice, we are prepared to teach the principles underlying them.

Penalties. — When studying the legislative department, we learned that one object of laws was to keep people from violating the rights of others. Using illustrations drawn from school- and home-life, we can by questions lead the pupils to see that the mere expression of will is not likely to control the evil-inclined, and can show that some penalty must be announced with the law. Reference to the general laws of the State will show that this principle is in constant application, and will show the nature of penalties, usually fine or imprisonment. Allusion might here be made to penalties inflicted in former times, as whipping, burning, branding, the stock, and the pillory.

Using the same familiar illustrations as before, we may teach the effect of the non-infliction of penalties.

Notable examples in public affairs are the Sunday laws, and those forbidding profane swearing. Though the laws have been made in the regular way, and the penalty affixed, because the penalty is seldom inflicted, the laws are violated freely. We may show, too, how the failure to enforce law tends to diminish the people's respect for all law, and so acts directly to encourage crime.

Justice, Free, Speedy, and Impartial. — The pupil's natural sense of justice will make it easy to teach how justice *ought* to be administered. By such a simple illustration as the keeping back of the wages of an employee by an employer, we may show that if the laws fulfil their purpose, the wronged man should find redress in them. This redress should be without cost to him. If he must pay to recover his wages, he loses a part of them, and so far fails to get his due. If he is forced to wait long for his complaint to be heard and his case considered, that, too, puts him to loss, and may cause suffering to himself and his family. Expense and delay of justice affect most seriously those who most need the protection of law, — the poor.

That the administration of justice should be impartial, goes without saying. The poor man's claim is to be allowed, not because he is poor, but because his claim is just. Illustrations of the violation of these three principles may be found and used to impress the lesson. It might not be out of place to direct the attention to the expense and delay now connected with our own system, which often deters men from pressing a just claim lest they spend more than they could re-

cover. Perhaps such a discussion might bear fruit in the future, setting some boy to thinking how the Eastern simplicity could be secured, — the judge sitting always in the marketplace, or at the gate, ready to hear and decide.

Local Administration. — How, as Blackstone says, justice is brought home to every man's door, should be impressed on the minds of the class. We have shown that the work of the courts is to decide on the application of law to individual cases. If a man is accused of violating law by stealing, it is for the court to decide whether he is guilty or innocent, and, if guilty, what penalty he deserves. We may lead the class to see that, if he is innocent, the mere suspicion of guilt is a hardship, and the arrest and trial still more hurtful. Now if, in addition to these, he be carried far from home, compelled to defend himself among strangers, and bring his witnesses from a distance, he is placed at a disadvantage, his vindication is rendered more difficult, and, if secured, it will only be by an expenditure of much time and money. Thus the principle of free and speedy justice will be violated. Hence the inferior courts in the towns and cities are established, that justice, by being administered near home, may be accompanied by as little expense and delay as possible.

There is also a point to be made here in connection with the jury system. The object of that institution is to secure impartiality in the administration of justice. A man is supposed to be judged by his equals; that is, by private citizens rather than officers, men interested in doing justice because themselves likely to need

justice. Whatever familiarity with the local sentiments and customs, whatever the man's own reputation among his neighbors, can do for him, he is entitled to have done. These advantages are secured by having all causes heard within the county, and tried by juries drawn from the county.

Like most beneficent principles, this may work in two ways, — it may defeat justice. Not long ago, in the neighborhood of Boston, a man accused of murder prayed that he might be tried in another county, because the local excitement against him was so great he feared an unprejudiced jury could not be found. It would not be difficult for teachers to find numerous instances where local sympathy has constantly acted in favor of the accused, and defeated justice.

Presumption of Innocence. — That a man must be presumed innocent until proved guilty, lies at the foundation of the Anglo-Saxon administration of justice. In the courts of Continental Europe the opposite presumption is held. Teachers will do well to dwell on this principle, and compare the English and American with the Continental system. A description of the treatment of an accused man by a French court may be found in *The Youth's Companion* for Nov. 30, 1882. The nature of the proof required is important, — not what the witness thinks, not what he has heard someone else say, but what he has seen and heard and handled.

Good may be done by showing the pupils how to apply the same principle in every-day affairs, teaching them to withhold judgment; not to condemn others

unheard; to look for two sides to every story; to weigh evidence; to guard against prejudice; to reject hearsay testimony. Show them how cruel suspicion may be; and how the happiness and the fortune of a man or woman or family may be blasted by the hasty judgments of neighbors and friends. The teacher in his own administration should exemplify these principles. By being just, he may promote justice, and so prepare his pupils for their share in the public duties of life.

Duties of Witnesses and Court Officers. — The public have a right to expect that all instructors of youth will try to instil into the minds of their pupils "a sacred regard for truth." Truth nowhere else seems so sacred as in the administration of justice; and the teacher will find here one of the best opportunities for moral instruction. The oath of the witness to tell "the truth, the whole truth, and nothing but the truth," is itself impressive. By suitable illustrations, we may show how the whole fabric of justice, the protection of human rights, life, liberty, and property, rests on confidence in the word of witnesses, and how beneficent was the commandment, "Thou shalt not bear false witness." We may show, too, how a partial truth may mislead like a lie, and how the same effect may be produced by mixing truth with falsehood, — whence the requirement for the "whole truth," and "nothing but the truth." Having shown the sacredness of truth in the court room, the teacher may pass to a wider application of the principle, and show how all the business of life is based on confidence in men's word; how soon business would cease if men could not trust each other.

The duties of jurors, attorneys, and judges are also fruitful in moral lessons. How free from prejudice jurors and judges should be! how incorruptible their honesty, how pure their motives! There are examples enough of men who have "turned aside after lucre, and taken bribes, and perverted judgment," to serve as warnings. The true function of attorneys needs some explanation. They are attached to the department of justice to promote justice, not to thwart it. Just so far as they use their knowledge of law to shield the guilty they deserve the censure of honest men; they are in league with the classes which prey upon society.

CHAPTER V.

THE STATE GOVERNMENT.

THE EXECUTIVE DEPARTMENT. — THE CONSTITUTION.

Facts. — If the facts and principles of the legislative and judicial departments have been well impressed on the pupils, it will be easy to lead them to see the necessity for another class of officers. The will of the people must not only be expressed, it must be *done*. The sentences of the criminal courts must be executed by the infliction of the prescribed penalties. The judgment of the courts in civil cases must be carried out for the protection of private rights. The measures which the Legislature has decided that the public welfare and convenience demand must be put in operation. This is the work of the executive department.

The steps and the method for bringing this knowledge before the class are similar to those used in the study of the other departments. It is not necessary to discuss them in detail. The ballot will give us the names of a part of the officers. In each State is a chief executive officer, — the governor. In some of the States there is a lieutenant-governor and executive council; in each there is a secretary, a treasurer, and an auditor or comptroller.

Besides these, each State has a large number of

administrative officers having the care and superintendence of the public property and institutions, — as railroads, canals, lands, prisons, asylums, schools. Much may be learned concerning the duties of these officers from the newspapers, and all teachers would do well to collect all newspaper articles of the kind for illustration.

The militia of the State should be studied here as a part of the executive department. The children in the cities and large towns will be somewhat familiar with the organization. Those more remote from the centre will need more direct instruction on this point. Happily, the occasions showing the relation of the militia to the executive department are too few in any locality to familiarize the children with them. But the newspapers occasionally tell us of a military company being ordered out by the governor to quell a riot, or to protect property, or to aid an executive officer in doing his duty. One such case would serve to impress the point.

Principles. — In teaching the political principles involved in the work of the executive department, it will be well to keep before us the twofold character of that work, — first, the enforcement of law for the protection of rights; and second, the administration of the business of the State. In discussing the first, we should aim to show the necessity for *energy*, illustrating by facts drawn from observation and current news Hamilton's assertions in the *Federalist*, "A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill-executed, whatever it may be in theory, must be in practice a bad government."

Some of the qualities which enter into this energy are decision, promptness, and firmness. We may show how compromise with criminals, as in bank-robberies, and vacillation in dealing with angry mobs, as in the Pittsburg riots, encourage crime. Impartiality, too, should characterize the execution of the laws. The executive authority should not be used to gratify the personal spite of the officer to whom it is intrusted. If he uses his power to reward his friends and punish his foes, he is an enemy to the public weal.

Valuable lessons may be taught in connection with the purely administrative part of the government. By considering the large amount of money to be expended for the public good, we may teach the obligation of fidelity which rests upon these officers, — honesty in the care of funds and in the making of contracts, accuracy in the keeping of accounts, wise economy in expenditure.

It would not be difficult to show that the administrative affairs of the State should be managed on the same principles that successful men apply in their private business. In the choice of employees and agents, they look for capacity, experience, and integrity. The duration of service and the pay for it are in proportion to these. Unfortunately many of the State governments have been conducted on different principles, and the teacher will not be at a loss to find illustrations of "how not to do it." He should show how vicious in political practice is the doctrine, "To the victors belong the spoils," — the spoils being the offices, and the spoiled being the people.

In view of the long and doubtful struggle for what is called "civil-service reform," it may be well to call to mind the trite educational maxim: "We should put into the schools whatever we would have appear in the nation's life." If the principles of administration which we have stated had been taught in the schools as long and as faithfully as reading and writing have been, there would be as little discussion about them; and much of the recent strain upon politicians, in the endeavor to look one way and go another, would have been avoided.

THE CONSTITUTION OF THE STATE.

After such careful study of the facts of the local and State government, and the principles underlying them, the pupils will be prepared to study the Constitution of the State. They may be led to this by considering some of the —

Dangers to Liberty. — Thus far the pupils have thought of the violation of private rights by private individuals, as in murder, slander, theft, trespass, etc.; and they have dwelt at length upon the important functions of the government in protecting the members of the community from each other. Now they need to be shown that the government itself may violate private rights.

It is best to start with some simple fact of local occurrence or newspaper report, as the taking of land for streets, railroads, or public buildings, or the arrest and imprisonment of a person on unfounded suspicion.

Having presented the matter first in this way, afterward history may be drawn upon for facts tending to establish the general principle that the possession of power leads to a desire for more power, and carries with it a tendency to abuse. Facts can be adduced to show that every natural right has been violated somewhere, at some time, by persons exercising the authority of government. Familiar stories from Scripture might be used, — the treatment of the Israelites by Pharaoh; Naboth's vineyard; the mockery of justice in the trial of Jesus.

All this will prepare the pupils to see that the powers of the officers of government should be narrowly limited and sharply defined, and that in some way these officers should be made responsible for their acts. The substance of this need is forcibly stated by Guizot: "Liberties are nothing until they have become rights, positive rights, formally recognized and consecrated. Rights, even when recognized, are nothing so long as they are not intrenched within guaranties; and, lastly, guaranties are nothing so long as they are not maintained by forces independent of them in the exercise of their rights. Convert liberties into rights, surround rights by guaranties, intrust the keeping of these guaranties to forces capable of maintaining them, — such are the successive steps in the progress toward a free government."

Safeguards of Liberty. — The Constitution may now be presented as the great safeguard of liberty. It becomes such by its specific provisions to restrain the officers of the government from exercising power un-

wholesomely. Each of these provisions may be treated individually as a safeguard of liberty. Among the most important are the following: The limitation of the term of service accompanied by re-eligibility, thus giving to the people an opportunity to pass judgment on the official service; the mutual checks intrusted to the higher departments; the appropriating power to the Legislature; the veto power to the governor, and the power of determining the constitutionality of laws to the judiciary; the specification of the powers of the executive; the provision for impeachment; the multiform efforts to make the administration of justice free, speedy, and impartial, among which are the privilege of *habeas corpus*, of trial by jury, of open trial in the presence of witnesses, of counsel and witnesses for defence at public expense if necessary.

Besides these, are the prohibitions of unwarranted arrest and search of persons and papers, of excessive bail and fines, of cruel and unusual punishments, and of the taking of land for public use without rendering an equivalent. Still other safeguards are the freedom of speech and of the press; the liberty of the people to assemble freely to discuss public matters, to petition the Legislature, and to bear arms in self-defence. Paramount to all others is the right of the people to amend the Constitution, or make a new one, whenever in their judgment public and private weal demand new and more efficient safeguards.

Coming to the study of the Constitution in this way, its true nature and object can easily be made apparent. It reveals itself as the supreme, all-controlling expres-

sion of that public will which we have already found voicing itself in a less general way in the votes of the town-meeting and the laws of the Legislature.

The teacher should never content himself with presenting the articles of the Constitution and Bill of Rights as so many statements to be learned, but should aim, by a full discussion, with ample illustration, to show the purpose of each to aid in conserving the liberties of the people.

CHAPTER VI.

THE NATIONAL GOVERNMENT.

HISTORICAL CAUSES.

HAVING completed the study of the State government, the pupils are prepared to study the government of the Union.

The sequence of topics may be the same as in the previous work, — first, *facts* of the legislative, executive, and judiciary departments; second, *principles*. The method of teaching, also, should be the same. The columns of a newspaper will introduce the class at once to the whole subject. They will there learn that there is a general government; that it has a legislature of two branches, with familiar names; that this body makes laws, with the help of committees; that there is an executive head called the president; that there are executive departments; that there is a national judiciary. Their previous study will have made them familiar with the language, and they can advance rapidly. They will learn the nature and scope of the laws, and thus the subjects on which Congress has jurisdiction, — commerce, finance, postal communication, army and navy, patents, territory. From the same source they will learn the most important powers of the president. Thus they are prepared for a further study of *principles*.

It is important to notice here that all the principles which have been taught in the earlier lessons as underlying the municipal and State governments may be shown to underlie the general government as well.

Just as in passing from the town to the State our idea of *the public* was broadened, while the ideas of the public convenience and welfare and the public will remained unchanged, so now in passing from the State to the nation we have, indeed, to conceive of a new public, broader than the old, but like that in having a will to express by laws for the promoting of its own convenience and welfare. Though the needs of each new public are different from those below, and thus the scope of the laws is different, yet the principles remain the same. So, too, the nature of office-holding is the same in the higher as in the lower; and there are the same obligations resting on the citizens to vote, to pay taxes, and to respect and obey the laws.

The representative idea is the same, at least in the lower branch of Congress; and justice is administered in accordance with the same principles, and with the same sacred regard for personal rights. The executive functions, too, call for the same qualifications in the higher sphere as in the lower. All this should be made clear to the pupils.

They will readily see that the establishment of a currency, the carrying of mails, the care of harbors and rivers, the building of lighthouses, the disposal of national territory, the issuing of patents and copyrights, are matters pertaining to the convenience of the broader public. But a further study of the papers will open up

new lines of thought, and make a most important contribution to our stock of principles.

Starting with the appointment of foreign ministers, or some diplomatic correspondence, or the building of a navy, we may lead to the conception that the United States is a nation among nations; that it is brought into relation to other nations through commerce, through travel, through postal communication, through exchange of citizenship. Then it will appear that the needs of the citizens are not limited by the boundaries of the country. They need protection abroad as well as at home, on the ocean, and in foreign lands. These are needs not peculiar to towns nor to States, as such, but common needs of the people; so the national government provides for them.

The subject carries us farther. The nation, as a whole, has rights, — to its territory, its wealth, its institutions, its independent government, its continued existence as a nation. History teaches that nations, like individual men, are selfish, and little disposed to respect the rights of others. Hence the necessity of self-defence, of armies and navies and forts. For all this, too, the general government provides. Here we may introduce the idea of international law, — its objects, its sources, its peculiar nature, and its limitations.

This brings us to another duty of the citizen. Without the local and State governments he could have no security for person and property. Hence his duty to support these governments with money and influence. But the local and State governments cannot defend him unless they are themselves defended. His personal

safety depends on their existence and weal; but these are inseparably connected with the existence and weal of the nation. To maintain these, therefore, is a supreme duty. Above the obligations to obey the laws and to pay taxes, is the obligation to defend the nation. Our pupils must be led to *see* that it is *right*, and to *feel* that it is *sweet* to die for one's country.

This will crown our work in the study of political science. It will be worth a thousand-fold more than it will cost if we can send out of school a single boy, —

> "Who cares not to be great
> But as he saves or serves the State."

During the study of the facts and principles of the Municipal, State, and National governments in the manner presented in the preceding papers of this series, the question will often have arisen. Why? Why do we have towns and counties? Why do we have these officers? and why do they bear these names, and have these functions? Why do we have trial by jury and *habeas corpus?* Why do legislatures consist of two bodies? Why do we have this Constitution?

To answer these questions, a third division of the subject must be added, — thus: (1) Facts; (2) Principles; (3) Causes.

This division is historical; and its scope may be made more or less extensive, according to the age and attainments of the pupils. We may obtain a partial answer to the question, Why? from the study of American history. We may find here *immediate* causes. Pushing the question farther will compel us to study English

history. We shall find here what we may call *mediate* causes. By the newer methods of comparative study in history and politics, it has been shown that the infancy of our institutions was back in a very dim past. By such study of this past we may come to what we call *remote causes;* thus the topic "Causes" subdivides itself into *immediate, mediate,* and *remote.*

A few illustrations will serve to show the scope of this part of the study. The question may be raised, Why do the people of New England have town governments, and why are these what they are? The first answer is from American history. The people settled in communities, and therefore needed an organization at once. From the beginning of the colonization they chose local officers, and administered local affairs. The general government of the colonies early recognized these communities, soon gave them a legal existence, and from time to time increased and defined their powers. It is also to be noticed that these settlers were dissentients from the Church of England, and therefore did not give to their local organization the parish form, as was done in the more southern colonies. The civil idea predominated over the ecclesiastical from the beginning. So much we may include under the immediate causes.

Pursuing the subject farther, we learn from English history that these people were familiar in England with the idea of local government. They had been accustomed to pay local rates for local purposes. The borough and the parish were time-honored institutions. The Saxon tithing-man and the Norman constable were

familiar personages. More than this, English law was full of terms and practices, suggesting a time when the local autonomy was much more complete, when the folk-moot — the true historical antecedent of the town-meeting — was in its vigor. And the language, too, full of *tons* and *wichs* and *bys*, showed how universal were these self-governing communities. These features of English life we may class under the *mediate* causes of New England towns.

Now we go farther back, descending the ancestral tree, and we find the village organization in the woods and fens of Northern Germany. Widening our range of vision, we find to-day similar institutions in India and in Russia; and the study of Greek and Roman history leads us to think that before the time of Solon in the one, and the Decemvirate in the other, what Guizot calls "the energy of local liberties" manifested itself much as in a rural New England town.

So we reach the conclusion that the town is a survival of institutions once as widely extended as the branches of the Aryan stock. Antæus-like, it took a new lease of life when it touched the soil of the New World. All these facts furnish us with the *remote* causes of the New England towns.

Some minor features, too, assume a new dignity and interest in the light of this wider study. The village common, the "field-driver," and the "town-pound" are also survivals of social customs so old that within the historic ages "the memory of man runneth not to the contrary."

In the study of the Constitution of the State we are

again confronted with the question, Why? Why do we find a Bill of Rights, and why are its contents just what they are? We find, as before, a partial answer to the question in the story of our own country. Conventions formed these constitutions. These were made necessary by the separation of the colonies from the mother country, and this was brought about by British abuse. But these facts do not account for the contents of these bills. For this we must go to English history; and there, in the Bill of Rights of William III., the Petition of Right of Charles I., and the Great Charter of John, we find the same rights declared and guaranteed, and almost in the same words, as in our American constitutions.

If we seek for the cause of these three great historic instruments, we must study all English history, — the story of Saxon liberties overthrown by Norman tyranny; of the long struggle of royal prerogative against parliamentary restriction; of the fruit of the Restoration in the Bloody Assizes. *The whole course of English history culminates in the Massachusetts Bill of Rights.*

These illustrations are sufficient to show the kind of work to be done under the third division of the subject. And they also show what should be the spirit and the aim of the history-teaching in the schools. History study is not an end in itself; it is a means. The story of the past is valueless except as it serves to explain the present. But when used for this purpose the study takes on new life, and becomes invested with new and intense interest.

Pupils often complain that they do not see the use

of certain studies. In the higher schools, subjects should be so correlated that intelligent pupils may see the use of each by seeing the relation of each. In such a line of work the teacher would assume that pupils are intelligent, and treat them as such. Following the topical method, to each pupil might be assigned a special subject for investigation, — to one, the origin of the country; to another, the origin of the dual idea in legislative bodies as seen in city, State, and nation; to others, trial by jury, freedom of worship, the veto power.

When we reach this stage of the subject, the work opens up wide opportunities for culture. Under proper direction, the students may become acquainted with historical authorities, and learn how to use them. If the result of the study should be presented in writing, the work would link itself with the language course, and might take the place of the dreary platitudes or the puerile nonsense dignified by the name "composition."

CHAPTER VII.

SUMMARY. — TOPICAL OUTLINE.

I. Facts.

1. OF LOCAL GOVERNMENT.
   - *a.* What officers chosen.
   - *b.* By whom chosen.
   - *c.* When and how chosen.
   - *d.* For what chosen.
2. OF STATE GOVERNMENT. — Same topics.
3. OF NATIONAL GOVERNMENT. — Same topics.

II. Principles.

1. OF LOCAL GOVERNMENT.
   - *a.* Public convenience and welfare.
   - *b.* Public will.
   - *c.* Nature of office-holding.
   - *d.* Duties of citizens to vote. to pay taxes.
   - *e.* Public property.
2. OF STATE GOVERNMENT.
   - *Legislative Department.*
     - *a.* Necessity for laws.
     - *b.* Natural rights.
     - *c.* Objects of laws.
     - *d.* Duties of citizens, — to respect and obey.
     - *e.* Nature of representation.
   - *Judicial Department.*
     - *a.* Penalties.
     - *b.* Justice, free, speedy, impartial.
     - *c.* Local administration.
     - *d.* Presumption of innocence.
     - *e.* Duties of witnesses and court officers.
   - *Executive Department.* — Execution prompt, vigorous, impartial.
   - *The Constitution.*
     - *a.* Dangers to liberty.
     - *b.* Safeguards of liberty.

III. Causes.

1. IMMEDIATE, — *American History.*
2. MEDIATE, — *English History.*
3. REMOTE, — *Comparative History.*

Method. — It has been the purpose of this work to present an order and a method for the *elementary* teaching of the science of government. With this purpose in view, the work was made to begin with the local government. In the local organization, whatever it may be, — town or school district, — the principles of government are embodied in their simplest forms, reduced to their lowest terms as it were, so that they may be easily seen and apprehended, — apprehended because seen.

This puts the work on a scientific basis. It begins at the beginning; deals first with the sensible and the familiar. It begins with the conditioning, and proceeds to the conditioned. It is practically impossible to teach the science of government from a study of the national government alone. The internal sovereignty of that government is so limited that it does not come sufficiently near to "men's business and bosoms."

This elementary teaching, too, should be chiefly oral in its character. Dealing, as it does, with real things, it should be the aim of the teacher to make those real things the object of the pupil's thought. From the facts which the pupils can see, the teaching should lead to the unseen principles; from the majority vote in the town-meeting to the public will, expressing itself for the public good; from the writ of *habeas corpus* to the sanctity of individual liberty. Later in the course the student will find in the Constitution of the United States the grandest embodiment of abstract principles which the world has ever seen.

Helps. — The teacher should use all the helps at his

command to make his teaching truly objective. Among these helps are the following: Printed ballots used in the election of various officers, town, county, State, and nation; copies of official documents issued by officers, such as the warrants for town-meetings, offers of rewards, notices by health officers, assessors, town clerk, county commissioners, executors and administrators of estates; proclamations by governors and presidents; reports of town and county officers; pamphlet copies of the laws passed by the Legislature; the legislative Manual, published annually; the Congressional Directory. Copies of all of these can easily be procured, and should form a part of the school equipment, along with the library, the cabinet, and the apparatus.

But more useful than all these is the newspaper. Here are found illustrations of all the principles which the teacher has to present, and descriptions of many things which the pupils cannot see for themselves. For the teaching of facts, the papers contain reports of town-meetings; of nominating caucuses and conventions; of the organization and doings of city councils, of legislatures, and of Congress; of the inauguration of mayors, governors, and presidents; of the proceedings in all the courts, including the impanelling of jurors, the successive steps in civil and criminal trials, and the execution of judgments. The papers also contain official advertisements, from which much may be learned. This is epecially true of probate business, all of which is advertised.

From the report of crimes the teacher may select illustrations of violations of all the natural rights, —

person, property, and liberty. The foreign news will often serve to throw sidelights upon our own government, and will furnish illustrations of principles maintained or violated.

Every teacher of civil government should be provided with scrapbooks in which to preserve, in an orderly way, all newspaper material bearing on his subject. He will be surprised to find how completely his field of labor may be covered by such excerpts.

Books. — For the teacher's own study the following books are suggested, in addition to the text-books on the subject: The statutes of the United States and of the State; Digest of Court Decisions; Commentaries of Kent and Blackstone; Bouvier's *Law Dictionary; Story on the Constitution; The Federalist; Democracy in America,* De Tocqueville; *The Nation,* Mulford; *Municipal Law,* Pomeroy; *Development of Constitutional Liberty,* Scott; *Political Ethics,* Lieber (the best); *Civil Government and Self-Liberty,* Lieber; *History of Representative Government,* Guizot; *Spirit of Law,* Montesquieu; *Delolme on the Constitution; History of Federal Government,* Freeman; *Introduction to American Institutional History,* Freeman; *The American Commonwealth,* Bryce; Johns Hopkins University Studies in Historical and Political Science (H. B. Adams, editor).

CHAPTER VIII.

VOTING.

THERE is little poetry in the casting of his ballot by the average voter. He goes to the polls with little feeling, and sometimes with less knowledge. If Whittier's conception of suffrage were universal, a State or National election would be as solemn as a cathedral service: —

"Around I see
The powers that be.
I stand by Empire's primal springs;
And princes meet
In every street,
And hear the tread of uncrowned kings!

Not lightly fall
Beyond recall
The written scrolls a breath can float;
The crowning fact,
The kingliest act,
Of Freedom is the freeman's vote!"

To awaken in the minds of those who are to be citizens some true idea of the meaning and dignity of voting is a worthy ambition for any teacher.

To vote is to express one's will concerning a measure or a man. In our form of government, voting directly upon public questions is the exception. The town-meetings of New England afford the best illustrations.

The following are some of the questions which are brought before the people for them to discuss and decide: How much money shall be spent this year for the care of the roads, for schools, for the support of the poor, for police, for planting shade-trees, for decorating the soldiers' graves? Shall we build the new bridge of wood or iron or stone, and at what cost? Shall we have a high school, a public library, a new town-house, a new fire-engine, a soldiers' monument, a system of waterworks, a written town history? Shall licenses be granted for the sale of intoxicating liquors?

These are matters of public concern. The present good and the future prosperity of the community depend upon the way in which these questions are decided. An orderly, healthy, intelligent, patriotic town, having a good name among sister communities, may be the outcome of wise action in these annual meetings.

Further examples of the direct expression of the people's will concerning public measures are afforded by county voting upon restrictive measures in the interest of temperance, and by the adoption or rejection of constitutional amendments by the people of a whole State.

Much the larger part of the voting is the choice of men to act for the people, — legislators to make laws, judges to apply them, and administrative officers to execute them. Here, no less than in the cases mentioned before, there is the expression of will. What the chosen men do, they do not in their own name, but in the name of the people. If they act wisely, it shows that the people acted wisely in choosing them. If the public interests suffer through their ignorance or neg-

lect or self-seeking, the people have only themselves to blame.

The higher the office, the wider are the interests involved, and the more potent is the ballot for good or evil. This is a point to be made prominent, because it is in human nature to magnify the near unduly. It often happens that men would move heaven and earth to secure the election of a favorite hog-reeve, and not care a button who is President of the United States. It is impossible to lay too much stress upon the results of voting on the moral and social welfare of the people, as well as upon their commercial and industrial interests.

Having led the pupils thus suitably to magnify the function of voting, it is important to instruct them concerning the qualifications which voters should have in order that they may exercise suffrage wisely. After teaching the general legal qualifications as to sex, age, and residence, and such special ones as may exist in the pupil's own State, like the educational qualification in Massachusetts, and the property qualification in Rhode Island, the teacher should dwell at length upon the moral qualifications.

These are primarily three, — intelligence, independence, and honesty. The proposition that voters should be intelligent seems almost self-evident; but in view of the fact that hundreds of thousands of the most ignorant men in our country vote at every election, it is necessary to impress the truth upon the students by discussion and illustration.

How can men safely vote upon measures whose meaning and scope they do not understand? How

can they wisely choose men to offices, the duties of which the voters themselves do not know? The voter needs not only to be generally intelligent, but he needs to know the plan on which our complex frame of government is built; the relation of State to Nation; how the departments in each are constituted, and the duties of each officer. Unless he does know this, he is as likely to vote wrong as right, and the public interests must suffer just in proportion to the number of such wrong votes.

The second qualification, independence, is necessary that the voter may preserve his own self-respect. Intelligence is necessary to independence. The ignorant voter is likely to be led. He is the tool by which selfish and unscrupulous men accomplish their ends. But independent voting is not necessarily eccentric or erratic voting. The independent voter does not necessarily vote alone. He may be just as independent in voting with the majority as with the minority. His independence consists in weighing carefully the merits of the measures or the men before him, and then deciding according to the dictates of his own reason and conscience. It is not his fault if others agree with him.

Honest voting means, first, legal voting; but it means more than this. It means voting for the public good rather than for private ends. *A* sometimes votes for *B* because *B* is a good fellow; because he has done *A* a favor, or promises to do him one; because *A* is afraid of him; because they belong to the same society or church or party; because *A* wants to "beat" some one else. This is not honest voting. The dishonesty

of it may be made to appear by showing that by every incompetent official chosen, by every bad law that is made, the public interests suffer; that all private interests are inseparably bound up in the public weal, and that every member of the community has a right to look to every other for as full protection as it is in his power to give. If he fails to receive such protection, he is defrauded.

One more topic remains to be discussed. In political life, there are sins of omission as well as of commission. A man may do much harm to the community, and so to his neighbors, by wrong voting. But he may do it ignorantly; and for him there is excuse. There is no excuse for the intelligent man who refuses or neglects to vote altogether. He holds an identical position with the man who refuses to take up arms in defence of the nation. He is a disloyal citizen, guilty of moral, if not of legal, treason. He knows that at every election the best interests of the people are attacked, that some of the most sacred principles which lie at the foundation of good government are jeopardized. And yet, by refusing to vote, he refuses to aid in maintaining these principles. He thus gives aid and comfort to the people's enemies. He forfeits the respect of all good citizens.

When ignorant and wicked men vote, and intelligent men refuse to vote, the times are fraught with peril. The country is between the upper and the nether millstones.

CHAPTER IX.

TAXES.

COMMENTATORS have accounted for the Jewish dislike of publicans by telling us that the publican tax-gatherer impersonated the hated Roman rule; that as the Jews saw him seated at the receipt of custom, they were perpetually reminded of the galling yoke of their political servitude. But there seems to be something deeper than this. In no age and in no country has the tax-collector been honored for his office; and if he represents a native rule, tax-paying is not more agreeable than if he collects for a foreign power. This feeling is not founded in ideas of right and justice.

Many people are not conscious of receiving benefits from the existence of government. In orderly communities the influence of government is like that of the atmosphere, — all-embracing, but silent. This in part explains the smuggling and tax-dodging by respected people. In this popular ignorance lies the necessity for school instruction. All teaching of civics must found itself upon the necessity of government and the essential beneficence of its operations.

Supposing the pupils have been led to know the work of the government in its various departments, a lesson on taxes would properly begin with a discussion of the cost of this work. Two questions would suffice

to develop the truth. For whose benefit are all these things, — roads and schools and police and fire-engines and forts and ships of war? The answer would be ready, For the benefit of all the people. Who should pay for them? Even a child's logic would be unerring. The same who are benefited, — all the people. This would lead to a definition of taxes, as, — Money which the people are called on to pay to the government for value received in protection of life and property, and in the maintenance of those public institutions by which the people's health, convenience, and comfort are promoted.

Having shown what taxes are, the next question to consider would be, By whom are they levied? The answer to this will vary in different States. In the New England States, taxes for all local purposes are laid by the direct action of the legal voters of each town assembled in an annual town-meeting legally called for the purpose. This is the most perfect example of the people taxing themselves to be found in our own country, or, indeed, in any country.

This is the town system, pure and simple. In the cities, the council, which consists of representatives chosen by the people of the city, determines the amount of tax, and makes the levy.

In most of the Southern States, and in some of the Western ones, taxes for local purposes are levied and collected by county officers, there being no towns. This is the county system. In the other States the two systems are combined. Township officers have the charge of local affairs, determine the amount of money

needed, and make out lists of the taxable property. The taxes are levied and collected in some States by the county officers, and in others by the officers of the township.

Taxes for the maintenance of State governments are levied by the legislatures of the States; those for national purposes, by the Congress of the United States. This is the American idea of taxation as expressed in the constitutions of the States and Nation. Taxes can only be levied justly by the people themselves, or by their representatives legally assembled.

It would be well to call the attention of the pupils to the important part which this principle has played in the history of our country, and to make plain the watch-word of the Revolution, already familiar to them, "No taxation without representation."

The kinds of taxes might next be considered, the pupils being induced to tell what they know of the subject, and the teacher supplying additional information. The special kinds in our country are the poll-tax, levied in Massachusetts upon all male citizens twenty years old and upward; taxes upon property, real and personal, assessed for State and local purposes; the so-called internal-revenue taxes, assessed by the United States upon the manufacturers of alcoholic liquors and tobacco; and duties on imported goods, also laid by the national government, and collected at the custom-houses of the country. In this connection the terms *tariff*, *protection*, and *free trade* might be explained, and the process by which taxes of all kinds are distributed so as to fall at last upon consumers in pro-

portion to the quantity and value of the articles they consume. The importer and the domestic manufacturers add the national duty or the State tax to the estimated cost of the goods, and fix the selling-price to cover the whole. The landlord does the same with his rents. Telegraph and express companies, water and gas companies, railroad companies of all kinds, apply the same principle, and compel their patrons to pay the taxes in proportion to the privileges they use. So the poor man pays at least his share, though he may not be assessed directly.

The teaching of all these facts and principles would prepare the pupils for the concluding topic, — the moral relations of tax-paying.

Justice requires that men should regard tax-paying as they regard the meeting of any obligation honestly incurred. If they pay for their food and clothing and rent, for the goods they trade in, the houses they build, the land they buy, the money they borrow, as a matter of course and cheerfully, they ought to pay for their share in the benefits of government in the same spirit.

No distinction can be made between private and public obligations. If it is right to pay one's debts, it is right to pay one's taxes. If it is wrong to evade or neglect the one, it is at least equally wrong to neglect or evade the other.

Every man is personally interested in the honesty of every other man. If one fails to pay his share, all others must pay more than their share, and by this excess are personally defrauded.

Familiar forms of this kind of fraud are concealment

of taxable property, or false statements concerning its amount and value, and the hiding of dutiable articles of ornament and dress by persons returning from foreign travel. All such practices should be held up for reprobation.

CHAPTER X.

OFFICE-HOLDING.

THE variety of reasons urged for choosing one rather than another of the candidates for political office shows that there is much confusion of thought among voters about the nature of office-holding in a republic, and suggests a useful topic for school discussion.

The subject involves three questions: For what are officers chosen? What is the nature of office-holding? What qualifications should officers have? Clear ideas upon these points are essential conditions of intelligent voting.

In showing for what officers are chosen, a wide range of illustrations should be selected, beginning with some of those officers directly connected with the local administration, passing thence in turn to the law-makers, the judges, and the higher executive officers of the State and Nation. Consider, first, the officers who have the care of the public highways, the country roads, and the city streets, known by various titles in different parts of the country, — surveyors or overseers of highways, road commissioners, superintendents of streets. The highways exist for the public use. They are laid out and maintained in order that all the people may travel safely and expeditiously as their social and business needs demand. To repair occasional defects and the

annual waste is for the whole people to do for their own interest. But the whole people cannot actually do the work. They may say how much money shall be spent for the purpose; but, except in very sparsely settled districts, only confusion would result from a general turn-out to gravel the roads or lay down pavements. Nor would private business prosper if neglected for this public purpose. It is better on every account to choose one man, or a few men, to do this for the whole, giving them authority, and holding them responsible for their actions.

They are chosen to do a special work, which belongs to the whole to do, but which is practically impossible for the whole to do. The same is true of all the administrative officers, — school-boards, assessors of taxes, guardians of the poor, constables, sheriffs, supervisors of elections, selectmen of New England towns, and mayors of cities. The special work of each may be considered, and the impossibility of united action shown.

Passing to the law-makers in the State and Nation, we shall need to show that these are chosen for a different purpose. Like the other officers, they are to do something which the whole people cannot conveniently do themselves; but that something is peculiar. It is to express in a formal way what they think is for the public good. But while in a narrow sense the law which they make is only the expression of their own opinion, the form of our government makes it the expression of the will of the whole people, binding upon every individual. It is for this reason that we can speak of "the majesty of the law."

This power to express their will in the form of law is the highest right of a people, and is what constitutes popular sovereignty. It makes ours a free people. It is not a light thing to delegate this power to a few individuals, nor is it a light thing to receive and exercise it.

In the courts of law we find another peculiar application of the same principle of employing a few to do the work which is the right and duty of the many. The judges are chosen to administer justice between man and man, and between the whole community and the individual members of it.

The whole people is interested in seeing that men are protected from each other, and that disputes are settled peaceably, rather than by force. The whole fabric of society rests upon an equitable administration of justice; and next to the making of laws, applying them is the most solemn duty which the people have to perform. By as much as this work is higher than repairing roads and collecting taxes, by so much is the delegation of it to the chosen few of greater moment.

We have left to consider the highest officers, — the governors of the States and the president of the Nation. The administrative work which they do for the people is chiefly in the nature of directing and overseeing others. Besides this, they are intrusted with the appointment of many minor officers, in this exercising a function which belongs to the whole people, but which in affairs so varied and extensive as those of the State and Nation the whole must be relieved from. But, beyond this, they in a peculiar way stand for the whole community

of which they are placed at the head. In all transactions between the State and the Nation, and between our own and foreign nations, these men speak for the whole. In times of disturbance and war they wield the whole power of the State or Nation. To them especially is intrusted the preservation of the public honor and the public life. Theirs is not the divinity which doth hedge a king, but the dignity of the freely chosen head of a great sovereign people.

Having been taught in some such way as this what the various officers, low and high, are chosen to do, the pupils in school will be prepared to see what is the true nature of office-holding. Office is not a gift to be bestowed upon friends for friendship's sake; it is not a reward to be given for faithful services to a party or a cause; it is not a right belonging equally to all, subject to demand, and to be exercised in frequent rotation until all have enjoyed its honors and its emoluments. It is a *service* and a *trust.*

It is a service, because all the officers, from the lowest to the highest, are employed to do some special work which belongs to the whole people to do, but which they can more conveniently do by proxy. It is a trust, because each officer, in varying degree, from the lowest to the highest, holds for the time being some of the authority and power which belong to the whole people. This authority is intrusted to him to exercise in the name and for the good of the public. The public rule through him.

The third point to be discussed is the proper qualifications for office-holding. If we have shown that office-

holding is both a service and a trust, the qualifications needed can easily be made apparent. For successful service an officer must possess *intelligence* and *skill;* for exercising a trust, *fidelity.* In public, as in private, affairs, if a man is to be employed to do a certain work, two questions are always in order, both of prime importance, — Does he know how to do the work well? and, Is he honest?

The intelligence which is required is of two kinds, general and special. An ignorant man is unfit to hold any public office; so is a stupid one. An active mind, some knowledge of public affairs gained by reading the newspapers, some practical knowledge of business affairs gained by experience, are essential qualifications for one who is to do business for the public.

Besides this, there is needed some special fitness for the particular business intrusted to him. If two local officers are to be chosen, one for roads and one for schools, and several candidates are presented possessing equal amounts of general intelligence and business sagacity, the first question to be asked is, What do they know about roads? What about schools? If they know nothing of either, though they may be very good men and good citizens, they are not fit to hold these offices, and if chosen, the public interests will suffer. These interests will suffer equally if a road man is put in charge of the schools, or a school man in charge of the roads. To put the right man into the right place shows judicious voting.

The teacher should show the unwisdom of choosing men to office for any of the following reasons: Because

they want it; because they are poor, and need the salary; because they are personal friends; because they belong to a certain political party or to a certain church; because they live in a certain locality; because they will work for our private interests; because we wish to spite some one else; because we are curious to see what they will do; because they cannot do much harm.

Another qualification, *skill*, can only be gained by experience in the office. This point can be easily illustrated and enforced, and the pupils led to see the folly of frequently changing public officers. Comparison may be made with the mode of conducting private business, manufacturing and commercial, where skill gained by years of service is recognized and rewarded.

If public office is a public trust, unswerving integrity is an indispensable qualification. Fidelity to the trust forbids the use of the authority of the office for any of the following purposes: For private gain; to reward private or party friends; to gratify private malice. Fidelity requires that the office shall be used solely to promote the public interests. An honest man will so use it; and no matter how insignificant the office, a man who does not so use it is not honest.

Wise and faithful instruction along the lines here indicated, continued in all the schools for a generation, would do more to eliminate "boodle" office-holding, and to solve the vexed question of civil-service reform, than can be done by the press and pulpit and platform combined.

CHAPTER XI.

ANARCHY AND LIBERTY.

ALL the important principles of civil government may be taught in occasional lessons suggested by current events of marked public interest. Such an event was the anarchist tragedy which culminated in the hanging of four men in Chicago.

A lesson based on this event would have for its main object to show the necessity of government. The initial point of the lesson would be the word *anarchist.* What is an anarchist? The word *anarchy* means "without government," and describes the state of a community in which there is no lawful rule. An *anarchist* is a man who is an enemy of all government.

The aim should be, not to tell the pupils, but to have them tell the teacher, what government does, and what would be the consequence of its overthrow. Perhaps the most obvious function of government is protecting life and property by its police force.

What did the police do yesterday? They arrested a burglar, a highway robber, and some pickpockets. They dispersed a crowd of roughs, who were beating a man on the street. They discovered and put out a fire which had been started by an incendiary. They saved from death from exposure a drunken man, who had fallen by the roadside and been left by his com-

panions. What do the police do? They stand between us and the bad men who would injure us. Bad men fear them. Knowing this, we walk the streets safely. We lay ourselves down to sleep quietly, leaving our houses and barns and stores, trusting that they will be uninjured. What would happen if there were no police, no officers of the law to detect crime, and no courts to punish it, no jails, or prisons, or scaffolds? People would have to protect themselves. Men must carry arms, and must watch their property day and night. The weak would be at the mercy of the strong. Men would act upon

> "The simple plan
> That they should take who have the power,
> And they should keep who can."

Violence and bloodshed would be common. What would result from this? Without security for property, there would be no inducement to acquire it, and so no inducement to work and save. There would be small temptation for a man to have a better house or horse than his neighbor, for it would increase their envy and his peril. So there would be no improvement. Men would live from hand to mouth, lazy, quarrelsome. Decent men would abandon such a community, and only the dregs would be left.

The picture cannot be painted too dark, and the children can easily be led to paint it themselves. Anarchy is an awful word, lurid with the fires of hell. Pity enough that it should have been forced into our American vocabulary.

The beneficence of government may be still further shown by showing what it does for the public convenience and welfare. Children know that the government builds roads and bridges, and keeps them in repair; it supports schools and libraries; it takes care of the poor in almshouses, of the sick and insane in hospitals, of the unfortunate deaf and dumb and blind. It maintains fire-departments, carries the mails, and issues money.

If anarchy should take the place of government, what would become of all these institutions? No roads, no schools, no mails; the poor and the unfortunate left to struggle for existence, or to perish. It will not be difficult to excite in the minds of children an intense abhorrence of the anarchist doctrine; and they will prize their own civil institutions more highly for having thought what society would be without them.

If the execution of the anarchists be dwelt upon, it should be shown that they were not punished for holding their opinions, however wicked such opinions might be, but for inciting the murder of the police. In our country men may believe what they please, and may express their opinions freely, too, unless by so doing they injure others. The government comes in and protects those whose rights are threatened.

Government must preserve itself for the good of all the people; and the anarchists, who try to overthrow it by violence, or advise and urge and help others to do so, deserve the severest punishment. Theirs is the greatest possible crime. To kill a man, or many men, to overthrow the government by rebellion for the purpose of setting up another, are light offences compared

with the murder of government itself for the sake of substituting anarchy.

The community is so honeycombed by a maudlin sentiment of sympathy for such men, that the teachers cannot be too earnest in impressing the truth.

LIBERTY.

When we hear the Chicago anarchists eulogized as martyrs to liberty, we are reminded of Madame Roland's famous apostrophe, "O Liberty, what crimes are committed in thy name!"

Patrick Henry exclaimed, "Give me liberty, or give me death!" The preamble to the Constitution of the United States declares it to be one object of that instrument "to secure the blessings of liberty to ourselves and our posterity."

A little boy who was riding in the park with his father, finding that they could not ride as fast as he liked because of certain police regulations, said confidentially, "If it weren't for God and the police, what a good time we could have, papa!"

Was the liberty of the anarchists and of the Reign of Terror the same as the liberty of the American patriots, — the liberty which the Constitution was made to secure? Was it not rather the liberty of the child, too immature for self-control, and irked by the restraints of conscience and law?

"License they mean when they cry liberty."

Because there are these two ideas of liberty, one false and one true, and because the false one is most common

among children, while there is much confusion on the subject among adults, it devolves upon teachers to present the truth, and impress upon their pupils those principles which are such an essential part of their preparation for citizenship.

In doing this, it seems best to start from the standpoint of the child, and try to show what true liberty is by first showing what it is not. If we ask the average schoolboy for his definition of liberty, his answer will probably be, "Doinsyeraminter." Nothing could be better for our purpose, for it is easy to show how soon such freedom would involve us in catastrophe. If a boy has a mind to eat too much of his favorite plum-cake, and does as he has a mind to do, he suffers from a stomach-ache; if he has a mind to go out on a frosty morning without his mittens, and goes, his fingers are nipped; if he has a mind to venture on thin ice, and ventures, he has an involuntary cold bath; if he has a mind to risk himself on a rotten limb, in his zeal for birds' eggs, and takes the risk, he gets a fall.

By such familiar illustrations as these we may teach that our freedom is limited on every side by the laws of nature, and that true liberty does not consist in violating these laws, but in bringing ourselves to act in accordance with them. We may show here, too, how by indulgence one may lose his freedom, and become a slave of habit or vice, and how much more noble is the liberty of self-restraint, by which one becomes master of himself.

The way is now prepared for teaching what *civil liberty* is, by teaching first the so-called natural rights of

men, and then showing how all these are limited in society.

The idea of natural rights may be reached by considering what a man might do if he were alone, as Robinson Crusoe was on his island. What did Crusoe do? He travelled freely about the island. He went around it and across it in all directions, choosing his own way. He took for his own use whatever he needed or liked, fruits and animals. He cut down trees, and planted such land as he chose. He built for himself a shelter from the weather, and surrounded it with a wall to protect himself from wild beasts and wild men, if they should come.

Here we have illustrated the three comprehensive rights common to all men, —*personal security*, security of life and health; *personal liberty*, freedom to go and come; *private property*, the acquisition, ownership, and use of such things as are needed for life and health and comfort.

But how if Crusoe had not been alone, if he had been one of a hundred men occupying the same island? Could he have gone about as freely? Could he have hunted everywhere, and taken for himself what he chose? Could he have selected the best land, and used it for himself? Here appear the limitations which society makes necessary.

Crusoe may enjoy his natural rights, but he must do nothing to hinder the other ninety-nine from enjoying theirs. He may acquire property, land and houses, and domestic animals, and the products of the sea and the soil and the mine; but he must not take other men's

property. He may walk or ride, slow or fast, east, west, north, or south; but he must not go through his neighbor's house, nor trample his neighbor's crops. He may hunt for game, and shoot it when he finds it; but he must not endanger other people's lives by his firing. He may remove the filth and offal from his own premises to protect his own health, but he must not deposit it where it will imperil the health of some one else.

True liberty is freedom to enjoy all one's natural rights, so far as he can do so without interfering with the rights of others. The teacher can successfully appeal to the pupil's own sense of justice to show him that this is all the liberty which it is fair for any one to demand; that if one has more, some one else must have less.

Reverting now to the boy's definition of liberty, — doing as one has a mind to do, — we may show how it needs to be qualified. One may do as he has a mind to do so long as he has not a mind to injure himself or any one else. This is as much liberty as all can possess.

This is civil liberty, and it should be the teacher's aim to show the pupils that so much liberty as this our own country furnishes to the humblest and poorest of its people. This lesson, as indeed all such lessons, should be so conducted that the pupil will hardly be conscious that he has been taught, but will rather feel that he has thought out the conclusions for himself. This can be done by skilful questioning, and the use of simple and appropriate illustrations.

CHAPTER XII.

TAXATION WITHOUT REPRESENTATION.

A MAJORITY of the pupils in the schools, if asked to name the principal cause of the American Revolution, will answer, "Taxation without representation." If asked what they understand the phrase to mean, most of them will say that the Americans objected to being taxed by the English government because they were not represented in Parliament. These pupils believe that the Americans desired to be so represented, and would have willingly paid the taxes had such representation been granted them.

Another idea, quite common, is that the first experience of the colonists in tax-paying came with the Stamp Act.

The text-books used are in part responsible for these mistakes. In many of these books the local governments in the colonies are scarcely mentioned, and in none of them is the political life of the people made sufficiently prominent. That local affairs were managed before the Revolution just as they are managed now, by town officers in New England, and county officers in the Southern colonies; that roads and schools were paid for as now, by taxes levied by the people themselves; that the colonial legislatures levied taxes to support the courts, and to equip troops for the

Indian wars, — these are facts presented, if at all, with too little emphasis to impress them on the minds of the students.

And the matter of colonial representation in Parliament is not always stated so as to insure accurate knowledge. One text-book says, "The immediate occasion of that struggle may be found in the persistence of the British ministry in taxing the colonies, while at the same time they denied them representation in Parliament." The inference certainly is that the colonists desired representation, else how could it be denied?

An examination of this subject may be of service to some teachers of United States history. The question is, Did the colonists desire to be represented in Parliament? and if not, what did they want?

During the discussions that immediately preceded and followed the passage of the Stamp Act in 1765, colonial representation in Parliament was advocated in newspapers and pamphlets on both sides of the ocean. Among the colonists, two persons of historic fame favored this scheme, Benjamin Franklin and James Otis.

In 1754, after the Albany plan of union had been rejected by the British government, a new plan was formed, which contemplated the raising of money for the defence of the colonies by a colonial tax levied by Parliament. This plan was communicated privately by Governor Shirley to Dr. Franklin, who wrote to him three letters on the subject. In the second of these letters Franklin stated at length the American objections to Parliamentary taxation. In the third letter he considers the subject of a union of the colonies with

the mother country by colonial representation in Parliament. In this letter he says, "I am of opinion that such a union would be very acceptable to the colonies, provided they had a reasonable number of representatives allowed them."

Commenting on this correspondence, the historian Grahame says: "When we consider how notably Franklin (mistaking his own view of men's interests for an acquaintance with their desires and opinions) misapprehended the sentiments of his countrymen in proposing a plan at Albany which they almost unanimously rejected, we may be justified in supposing that some degree of kindred error mingled with his notion of their willingness to submit to direct taxation by the parent state, on condition of being allowed to send representatives to the British House of Commons."

The Shirley letters were not published until 1766, when they appeared in the London *Chronicle*. Before that time Franklin had had opportunity to learn more of the temper of the Parliament and of the American people; and while he had not changed his mind as to the value of such a union, he saw that it was impracticable. This change of opinion is shown in his correspondence while residing in England as agent for the colonies. In a letter to Cadwallader Evans, dated 9th May, 1766, he writes: "My private opinion concerning a union in Parliament between the two countries is that it would be best for the whole. But I think it will never be done." "The Parliament here do at present think too highly of themselves to admit representatives from us, if we should ask it; and when they will be

desirous of granting it, we shall think too highly of ourselves to accept it."

In a published letter to an unknown person, dated Jan. 6, 1766, he writes: "The time has been when the colonies would have esteemed it a great advantage, as well as honor, to be permitted to send members to Parliament, and would have asked for that privilege if they could have had the least hope of obtaining it. The time is now come when they are indifferent about it, and will probably not ask it, though they might accept it if offered to them; and the time will come when they will certainly refuse it." The same ideas are expressed in a letter to Cadwallader Evans, written in May, 1766, and again in a letter to John Ross, written Dec. 13, 1767.

The question arises here as to the time referred to by Franklin when in his opinion the colonies would have esteemed it an advantage and an honor to be represented in Parliament. In Franklin's examination by the House of Commons he was asked, "Before there was any thought of the Stamp Act, did they wish for a representation in Parliament?" To this he answered, "No." This limits the discussion to the period subsequent to 1764.

That Franklin was mistaken in his estimate of the strength of the colonial sentiment in favor of union is shown in the most convincing way by an expression from the pen of Otis, himself an advocate of the scheme. In a pamphlet written by Otis in 1765, entitled "Considerations on Behalf of the Colonists in a Letter to a Noble Lord," this passage occurs: "The

gentleman has made himself quite merry with the modest proposal some have made, *though I find it generally much disliked in the colonies and thought impracticable;* namely, an American representation in Parliament." Here is the testimony of one of the ablest of its friends that the idea of representation was "generally much disliked," and "thought impracticable."

Samuel Adams was much nearer the popular heart than either Franklin or Otis, and voiced public opinion much more correctly. In 1765, in opposition to Otis, he says, "We are far, however, from desiring any representation there, because we think the colonies cannot be fully and equally represented; and if not equally, then in effect not at all." In January, 1768, in a letter from the Province of Massachusetts to its agent in London, Adams, who wrote the letter, said: "Such are the local circumstances of the colonies, at the distance of a thousand leagues from the metropolis and separated by a wide ocean, as will forever render a just and equal representation utterly impracticable." In November, 1768, Adams writes: "Americans who are not, and cannot be, represented there." Again, in 1772, writing over the signature "Candidus" in the Boston *Gazette*, Adams writes: "The colonists . . . are through necessity, . . . by means of the local distance of their constant residence, excluded from being present by representatives in the British Legislature."

It is evident that the more astute of the American patriots saw that, as a practical measure, it was idle to discuss Parliamentary representation, and that Franklin's views on the subject went to sustain Samuel

Adams's assertion that Franklin was "a good philosopher, but a poor politician."

John Adams, in his famous "Novanglus Papers," published in the Boston *Gazette* in 1774, referring to Franklin's Shirley letters, says: "The last of these propositions seems not to have been well considered, because an adequate representation in Parliament is totally impracticable."

That Franklin himself abandoned the idea appears from the fact that in his conference with Dr. Fothergill and David Barclay, in December, 1774, among the terms of union which he submitted there is no mention of Parliamentary representation. From these utterances of individuals we turn to the voice of the people themselves as uttered by Provincial assemblies and the Colonial Congress.

The declaratory resolves presented in Parliament March 9, 1764, announcing the intention of the government to levy a stamp-tax upon the people of the colonies, were followed by an outburst of indignant protest from individuals and public bodies throughout the colonies. The published utterances all contain essentially the same opinions and arguments. After the passage of the Stamp Act in 1765, there was a more formal expression of sentiment by the colonial legislatures. Virginia led.

Patrick Henry introduced into the House of Burgesses a series of six resolutions, which he advocated in a speech famous for its fiery eloquence. Owing to the hasty dissolution of the Assembly by the governor, only four of these resolutions were entered in the

journal; but the whole six were published in the newspapers throughout the colonies as having been adopted, and gave form to the action of all the other colonies.

The first three resolutions declared that the colonists brought from England all the privileges and immunities of British subjects; that the colonial charters guaranteed the permanence of these privileges; that under the charters the regulation of taxes and internal police had always been vested in the colonial assembly. The fourth resolution was as follows:—

"*Resolved*, therefore, That the General Assembly of this colony, together with his Majesty or his substitutes, have in their representative capacity the only exclusive right and power to lay taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any other person or persons whatever than the General Assembly aforesaid, is illegal, unconstitutional, and unjust, and has a manifest tendency to destroy British as well as American liberty."

Other colonies adopted similiar series of resolutions. The supporters of Parliamentary taxation had been accustomed to declare that the colonists were *virtually* represented in Parliament, as much so, indeed, as many of the inhabitants of Great Britain. In allusion to this plea, the Pennsylvania Assembly, in September, 1765, in a series of resolutions, declared, "That the only legal representatives of the inhabitants of this Province are the persons they annually elect to serve as members of the Assembly;" and they declared further that only these representatives had a right to tax the inhabitants. Connecticut, by its House of Representatives, passed a resolution in almost the same words.

Massachusetts went a step farther, and in October referred explicitly to colonial representation in Parliament, and also rested its opposition to taxation by Parliament on the broad ground of the colonial charters, the British Constitution, and the rights of man. The following are the two resolutions which bear upon this topic: —

"*Resolved*, That the inhabitants of this Province are not and never have been represented in the Parliament of Great Britain; and that such a representation there, as the subjects of Great Britain do actually and rightfully enjoy, is impracticable for the subjects in America."

"*Resolved*, As a just conclusion from some of the foregoing resolutions, that all acts, made by any power whatever other than the General Assembly of the Province, imposing taxes on the inhabitants, are infringements of our inherent and unalienable rights as men and British subjects, and render void the most valuable declarations of our charter."

Following Massachusetts, New Jersey, in November, resolved: —

"That the people of the colony are not, and from their remote situation cannot be, represented in the Parliament of Great Britain: that if the principle of taxing the colonies without their consent should be adopted, the people here would be subjected to taxation by two legislatures, a grievance unprecedented and not to be thought of without the greatest anxiety."

Such were the individual utterances of the colonies. Cities and towns all over the country echoed the same sturdy sentiments in resolutions and instructions to their representatives. But more conclusive of public opinion than all these, was the statement made by the Colonial Congress which met in New York in October,

1765, and which contained delegates from nine of the colonies. This body made a Declaration of Rights in which occurs the following: —

"That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain." "That the only representatives of the people of these colonies are persons chosen therein by themselves, and that no taxes ever have been, or ever can be, constitutionally imposed on them but by their respective legislatures."

In a petition to the House of Commons the Congress used almost identical language: —

"Your petitioners further shew that the remote situation and other circumstances of the colonies render it impracticable that they should be represented but in their respective subordinate legislatures."

Equally expressive was the declaration of the First Continental Congress in 1774: —

"As the English colonists are not represented, and from their local and other circumstances cannot properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity."

It would be a mistake to suppose that these ideas were new to the colonists; that there had been no formal declaration of colonial rights before the Stamp Act evoked them in such numbers and of such vigor. More than a hundred years before the ringing utterances of Patrick Henry and Samuel Adams, the immediate descendants of the Pilgrims sounded the key-

note of colonial independence in terms most unmistakeable.

"The General Laws and Liberties of New Plymouth Colony, revised and published by order of the General Court, June, 1671," opens with the following as the first of its "General Fundamentals:" —

> "We, the associates of New Plymouth, coming hither as free-born subjects of the state of England, endowed with all and singular the privileges belonging to such, being assembled, do enact, ordain, and constitute, that no act, imposition, law, or ordinance be made or imposed upon us at present or to come, but such as shall be made or imposed by consent of the body of freemen or associates, or their representatives legally assembled, which is according to the free liberties of the state of England."

There is nothing in the pre-Revolutionary era more explicit or more bold than this. From all the evidence adduced the following facts seem to be true: —

The colonists claimed, first, that it was a constitutional and inalienable right of English subjects to be taxed only with their own consent through their representatives freely chosen.

Second, that, by emigrating to this country, they had not forfeited this right.

Third, that the colonial assemblies were the only bodies in which they were represented.

Fourth, that, on account of their distance from England, representation in the British Parliament was impracticable and undesirable.

Fifth, that they could legally be taxed only by their own assemblies. They were willing to be so taxed, and always had been willing.

CHAPTER XIII.

NEW STANDARDS OF PATRIOTIC CITIZENSHIP.

FIVE hundred years of history have become crystallized in our American notion of patriotism — five hundred years of passionate struggles for liberty, of breaking chains and abolishing formulas. Oppressive forces organized into institutions, deep-rooted and tenacious of life, have been resisted and overcome. Feudalism, villanage, serfdom, chattel-slavery, and constitutional absolutism have one after another gone down in fight. Successively, free towns, free men, and free states have come into being.

During this entire half-millennium the whole western world has been a militant host. Blazing across its sky, as the cross blazed before the army of Constantine, has been the legend — The Rights of Man. To secure and maintain these rights men have sacrificed and endured; they have died by thousands, in battle, in prison, at the stake, and by the assassin.

Speak of patriots, and we think of William Tell, and William the Silent, and Cromwell, and Lafayette, and Mirabeau, and Toussaint, and Bolivar, and Kossuth, and Garibaldi, and Washington, all men with swords in their hands. The common thought has found expression in proverbs: Rebellion to tyrants is obedience to God; and it has revived an ancient saying: It is sweet to die for one's country.

In the opening chapter of his French Revolution Carlyle wrote: —

"Borne over the Atlantic to the closing ears of Louis, king by the grace of God, what sounds are these; muffled, ominous, new in our centuries? Boston harbor is black with unexpected tea; behold a Pennsylvanian congress gather; and ere long, on Bunker Hill, *Democracy* announcing in rifle-volleys, death-winged, under her Star Banner, to the tune of Yankee-doodle-doo, that she is born, and, whirlwind-like, will envelop the whole world."

For a hundred years to American children Bunker Hill has been presented as a type of patriotism in the concrete. A patriot is a man who loves his country, and is ready to die for it. Since the Civil War new names have been added to the list, — Lincoln and Grant in the North, and with precisely the same sentiment, Lee and Jackson in the South.

All our patriotic literature has the same ring — the songs we sing: America is a sweet land of liberty, "land where our fathers died;" Columbia's heroes "fought and bled in freedom's cause;" "in the rocket's red glare," and "with bombs bursting in air," the Star-spangled Banner "waves o'er the land of the free and the home of the brave."

As a perpetual stimulus to this emotion we have put the flag over all our schoolhouses, and have taught our children to salute it. Just now we are experiencing a powerful revival of this sentiment. Not content with chanting the praises of the country's heroes, men and women everywhere are beginning to glory in descent from them. The Sons and Daughters of the Revolu-

tion are organizing, and still more select and exclusive is the Society of the Colonial Wars.

What does it all mean, and what is to be the outcome of it all? is the practical question for us to consider. Here is a sentiment of tremendous power, wide-spread and deeply felt. Hitherto this sentiment has had the weakness of the old theology, which aimed to teach men how to die. It has been an immense reservoir of potential energy, waiting for foreign aggression or internal disturbance to become kinetic, but always waiting, anticipating, always thinking of war as the field for its exploits.

Now the practical question is this: Shall this sentiment of patriotism be allowed to expend itself in mere effervescence in Fourth of July orations and after-dinner speeches on battle anniversaries; shall it content itself with building monuments to patriots of the past, and garnishing their sepulchres; shall it pride itself chiefly on a patriotic ancestry, — or shall its energy be transmuted into useful work; shall men and women be ambitious to be themselves fathers and mothers rather than sons and daughters of revolution; in a word, shall our people be willing to live for their country while they are waiting to die for it?

To bring about this change will necessitate new standards of patriotism, or at least more comprehensive standards. To form such standards we shall have to change our point of view, to get a new *που στω*. We must move from the fifteenth century to the twentieth.

Instead of a poor, feeble, downtrodden people struggling to become erect, we must see an independent

nation grown rich and powerful. Instead of galling restrictions upon personal liberty, we must see personal freedom. Instead of class distinctions embodied in laws and customs, we must see legal social equality. And we must see that a great, independent nation, composed of free and equal people, will not have to meet again the old foes, or fight over the old battles. Whatever demands it makes upon the love and devotion of its citizens will be to meet new enemies, and will call for new weapons.

When we have come to know what these new enemies are, we shall realize that the work of patriots is no longer to be done under the glamour of military glory, is no longer a struggle with principalities and powers, but with the rulers of the darkness of this world, against spiritual wickedness in high places.

Our work, therefore, in the education of the young for citizenship will be three-sided. We shall need, first, to get beneath the manifestations of patriotic emotion in the past to the essential, underlying principles, — from the deeds to the spirit. Next we shall need to show what are the peculiar perils of our country to-day, — to discover the real enemies. And third, we must teach how these enemies are to be met and conquered; in other words, how the old spirit must manifest itself under the new conditions.

It may be easier for us than for children, but surely not impossible for them, to see that in all the patriotic deeds they have been accustomed to honor there is the common element of self-sacrifice, — a putting aside of personal and private interest for the sake of the

public weal. And it will be our task to bring to light the more obscure examples of this self-sacrifice, — to show, for instance, that the women of Boston, in giving up their tea, were as patriotic and as heroic as their husbands in feathers and paint emptying the boxes into the sea; or that for the Dutch boy to sit all night stopping with his hands the leaking dike was as patriotic as for his ancestors to break down their dikes and flood their land to save it from the Spanish invaders; that for Washington to leave the quiet retreat of Mt. Vernon to become President was a more signal exhibition of patriotism than for him to fight the battles of the Revolution.

By some such course of instruction as this, having brought into prominence the essential element of all historic patriotism; having shown that whoever at any time and under any circumstances sets aside his personal interests for public ends is doing a patriotic act; that to sacrifice comfort, or time, or reputation, or friends, or money, or health, or life is in its essence patriotism, — our next step will naturally be to show what dangers beset our country to-day, — under what colors its enemies fight.

We know too well, and it will be our business to teach, that our foes are of our own household, foes not to be met by cruisers and torpedo-boats, nor by coast fortifications, nor by a standing army.

We may show that private vices may be more dangerous than foreign armies; that idleness, intemperance, luxury, and extravagance may destroy a people, — that they are, so far as they exist, to-day destroying

our people. We may show that a venal ballot tends to undo the work of centuries of struggle for political freedom through universal suffrage. We may show that a corrupt judiciary may throw down in a night all the bulwarks of civil liberty which have been set up through the ages. Wicked men on the bench may light their pipes with Magna Charta and the Bill of Rights and State and National constitutions.

We may show that combinations of men for selfish purposes in a country as rich as ours may make and unmake laws, so that under the cloak of freedom and equality, and under the guise of laws made for the people and by the people, the great body of the people may be oppressed in person and estate. And we may show that, in comparison with these dangers, the bombardment of a city by a foreign fleet, or the invasion of a foreign army, would be light afflictions.

In the presence of these enemies, and such as these, possible or actual, the new patriotism is to find reason for being and ample scope for exercise. If, now, we set ourselves to characterize a twentieth century patriot, we shall find that, first of all, as a foundation for everything else, there must be sound manhood, personal integrity, a man in whom the Beatitude has been fulfilled, who has hungered and thirsted after righteousness, and has been filled.

American society has reached that stage in its development when from each extreme exudes a class of idlers, one over-dressed and over-fed, the other ragged and hungry, but both alike preying upon the public, both alike subject to the vices which idleness entails,

one killing time by coaching and fox-hunting, the other by tramping on the road, one by the very contrast baiting and exasperating the other. More and more as time goes on we shall find our ingenuity and our effort taxed to limit these classes. The extreme of peril in popular government is reached when one of these classes furnishes leaders and the other voters, as in the later days of the Roman republic.

All our educational forces need to be directed to the dignifying of labor, to building up a society which from top to bottom shall consist of independent, self-supporting producers, whose very independence is in itself patriotic.

Next, the new patriotism will recognize in a substantial way the natural obligations which grow out of the inter-dependence of men in society. Modern society is built on an industrial basis. Zigzagging through it from top to bottom, there runs the line which separates employer from employee. It is of supreme importance that this relation shall be one of mutual respect and good-will. There must enter into it on both sides the qualities of large-minded and large-hearted personality. Especially should this be true of the employing class, as having been specially favored by nature and circumstances.

This personality must be helpful, sympathetic, generous, but above all things just. Fair dealing must be its supreme characteristic, and it must be shot through with the spirit of the Golden Rule.

Here, again, we are confronted with peril. The magnitude of industrial interests has tended to eliminate the

personal elements on both sides. The employer is no longer a man with a soul dealing with another man also with a soul, but it is a corporation, a mere body; and it deals with a union, also a mere body.

The employer's personality, and with it his personal responsibility to his fellow-men, has been given over to boards of directors, and superintendents, and foremen of all grades, until all sense of it has been lost. The employee has lost himself in the officers of his union and the walking delegate. Both alike have abdicated the throne of personal sovereignty, and have subjected themselves to the tyranny of their respective orders.

The whole industrial system to-day is practically in the hands of irresponsible agents. No wonder there is trouble. Friction is inevitable; and friction produces heat, and heat fire, and fire is combustion, and combustion is ruin.

The new patriotism will penetrate to the core of this system, and bring back to it the sense of personal responsibility which it has lost. Measured by the new standard, men who retreat behind the philosophical abstraction called capital, or behind the legal dummy called a corporation, and calmly see, or refuse to see, men and women and children subjected to excessive toil for scanty remuneration, existing, but not living; who, unmoved, hear, or refuse to hear, the appeal for justice based on real or fancied wrongs, — such men, whatever else they may be called, will not be called patriots; not even though they endow universities, and found libraries, and build churches, and contribute liberally to campaign funds.

The patriotic citizen in business will have intelligence enough to see that the public weal — the national life — depends on social harmony, and that for such harmony he is responsible as far as his business relations extend, and beyond to the outermost circle of his personal influence, and his will will be guided by his intelligence.

While the patriotic citizen will, for his country's sake, live up to these personal and social obligations, he will distinguish himself by constant and cheerful participation in public affairs. Our modern representative system has weakened the sense of personal responsibility for government.

Too many good men are content to sell their birthright of sovereignty for a mess of pottage. Not only are they unwilling to do their part in municipal administration and jury duty, but they fail to meet the prime obligation of citizenship, to vote. They have lost the spirit of the fathers. In the old English parish, and in the chartered towns of the fifteenth century, the obligation of personal service in public affairs was recognized and enforced by law. The early settlers to New England brought with them the same idea, and there are still on the statute books penalties for refusing to serve in certain local offices.

The new patriotism will return to the old standards. It will insist that, if it is culpable to go into politics to serve selfish ends, it is still more culpable to stay out for selfish ends. If juries are packed, and so justice perverted; if votes are sold, and so elections purchased; if bribes are received, and so legislation is made cor-

rupt; if public business is in the hands of spoilsmen, — the blame will be laid at the door of the good men who allowed it to be so. If the wolf gets into the sheep-fold, it is not the fault of the wolf, it is his nature; it is the fault of the shepherd, whose business it was to keep him out, with his life if need be.

By this standard will the patriotism of men be measured. Are they willing, for the public good, for country's sake, to sacrifice private interests, of time, and money, and thought, to sink partisan prejudices, and to unite with all other men similarly inclined in an alliance, offensive and defensive, for good government, pure government, business government?

Will they vote? Will they go to caucuses? Will they take municipal offices? Will they serve on juries? Will they fight the saloon interest and the gambling interest on their own ground? Will they fight the spoilsmen in their own party? Will they demand and fight for it, first, last, and all the time, clean men and clean measures?

Nothing less than this will satisfy the demands of the new patriotism. It does not supersede the old. It does not cease to reverence the old. The spirit that rebels to-day, and declares its independence of saloon rule, and corporate rule, and boss rule, is the spirit of '76, arming itself with twentieth century weapons for a twentieth century conflict.